IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 22616 of 2004

Between:

K.Vijaya Kumari W/o.G.Chitharanjan Das,
School Asst., IOWA Girls High School, Repalle,
R/o.Isukapalli, Repalle Mandal, Guntur District

..... PETITIONER

AND

1 The Regional Joint Director of School Education, Guntur.
2 The District Educational Officer, Guntur.
3 Andhra Evangelical Lutheran Church, rep. by its President,
Main Road, Brodipet, Guntur.
4 IOWA Girls High School, rep. by its Correspondent, Repalle.
5 The Principal, IOWA Girls High School, Repalle.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus to declare the inaction of the respondents in not confirming/ratifying the promotion to the post of B.Ed Assistant and not paying the salaries from 1-3-2004 to till date either in B.Ed. Asst. Post or in the Secondary Grade Post as arbitrary, illegal in violation of Article 14, 16 and 21 of the Constitution of India and also the rules ie., The Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Managements) Rules 1993 and to issue a consequential direction to the respondents to confirm/ratify the promotion of the petitioner to the post of B.Ed Assistant in 4th respondents school and to pay salaries from 1.3.2004 to till date.

Counsel for the Petitioner: MR.A.RAJENDRA BABU

Counsel for the Respondent 1 & 2 : GP FOR SCHOOL EDUCATION

Counsel for the Respondents 3 to 5: None appeared.
Counsel for the respondents 3 to 5: None appeared.

The Court made the following :

O R D E R :

Heard Sri A.Rajendra Babu, learned counsel for the petitioner and the learned Government Pleader for School Education and at their request, the main Writ Petition itself is taken up for disposal.

The petitioner, who is working with the respondents 3 to 5, filed this Writ Petition, *inter alia*, complaining against the action of the respondents in not confirming her promotion to the post of B.Ed. Assistant and not paying salary from 01.03.2004 till the date. The grievance of the petitioner is that in spite of the fact that the post is a grant-in-aid one and that such promotion being already effected, neither the salaries being paid nor she has been confirmed in the post. Hence, the Writ Petition.

In the counter affidavit filed by the respondents, it is submitted that it is only due to the factum of lack of any proposal forthcoming from the management, the petitioner's case is not considered and as and when such proposal comes, the same would be considered.

Considering the submissions made and on perusal of the material, it is seen that even in the proceedings dated 15.07.2003, there is a request to accord permission for such filling up of vacant post of B.Ed. Assistant and accordingly, the petitioner has been given such post of promotion. In view of the same, it can not be said that there is no such proposal. The respondents can as well taken the letter dated 15.07.2003 as proposal and finalise the proceedings.

The Writ Petition is, accordingly, disposed of directing the first respondent to finalise the matter by according permission as required under law by taking into account the letter dated 15.07.2003 as a proposal from the management and pass orders in accordance with law within a period of four weeks from the date of receipt of copy of this order. It is needless to mention that having regard to the fact that the post is a grand-in-aid and especially after such permission being given effect to, the petitioner would be entitled to the salary to which she is entitled as per rules. No costs.

(B.Prakash Rao, J.)

04.02.2005

DRK

Copy to:

1 The Regional Joint Director of School Education, Guntur.
2 The District Educational Officer, Guntur.
3 Two CCs to the G.P. for School Education, High Court of A.P., High Court buildings, Hyderabad

4. Two CD copies.

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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